



EX PARTE OR LATE FILED

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

June 16, 2004

**ORIGINAL**

98-147

The Honorable Kathleen Q. Abernathy  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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JUN 23 2004

Federal Communications Commission  
Office of the Secretary

Dear Commissioner Abernathy:

The Supreme Court has decided not to grant a stay in United States Telecommunications Association v. Federal Communications Commission. The Administration believes you should act promptly using all methods at your disposal to protect consumers and ensure appropriate competitive access to local networks, including the rapid adoption of interim rules that will accomplish those goals.

To ensure appropriate competitive access, the Administration believes the interim rules should cover a full year, unless superseded by permanent rules, and include the maximum legally sustainable transition period without wholesale rate increases for those network elements subject to the vacatur of the DC Circuit Court. We support the Chairman's stated goal of adopting permanent rules by the end of the year, provided that the permanent rules complete the period of rate certainty initiated in the interim rules.

In response to your leadership, the telecommunications industry has participated in an historic effort to use commercial negotiations to end eight years of regulatory and legal stalemate. The Administration continues to support these negotiations as the best way to achieve greater market-based competition within the telecommunications industry. We encourage the FCC to aggressively continue to facilitate these negotiations. Any interim rules should ensure that consumers immediately benefit from the current and future commercially-negotiated agreements and that those agreements are protected from unnecessary legal challenges.

Sincerely,

Michael D. Gallagher  
Acting Assistant Secretary for  
Communications and Information

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Powell:

The Supreme Court has decided not to grant a stay in United States Telecommunications Association v. Federal Communications Commission. The Administration believes you should act promptly using all methods at your disposal to protect consumers and ensure appropriate competitive access to local networks, including the rapid adoption of interim rules that will accomplish those goals.

To ensure appropriate competitive access, the Administration believes the interim rules should cover a full year, unless superceded by permanent rules, and include the maximum legally sustainable transition period without wholesale rate increases for those network elements subject to the vacatur of the DC Circuit Court. We support your stated goal of adopting permanent rules by the end of the year, provided that the permanent rules complete the period of rate certainty initiated in the interim rules.

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Sincerely,

Michael D. Gallagher  
Acting Assistant Secretary for  
Communications and Information

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Federal Communications Commission  
Office of the Secretary

The Honorable Kevin J. Martin  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Kevin*

Dear Commissioner Martin:

The Supreme Court has decided not to grant a stay in United States Telecommunications Association v. Federal Communications Commission. The Administration believes you should act promptly using all methods at your disposal to protect consumers and ensure appropriate competitive access to local networks, including the rapid adoption of interim rules that will accomplish those goals.

To ensure appropriate competitive access, the Administration believes the interim rules should cover a full year, unless superceded by permanent rules, and include the maximum legally sustainable transition period without wholesale rate increases for those network elements subject to the vacatur of the DC Circuit Court. We support the Chairman's stated goal of adopting permanent rules by the end of the year, provided that the permanent rules complete the period of rate certainty initiated in the interim rules.

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Sincerely,

*Michael D. Gallagher*

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Acting Assistant Secretary for  
Communications and Information



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Federal Communications Commission  
Office of the Secretary

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The Honorable Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Michael*

Dear Commissioner Copps:

The Supreme Court has decided not to grant a stay in United States Telecommunications Association v. Federal Communications Commission. The Administration believes you should act promptly using all methods at your disposal to protect consumers and ensure appropriate competitive access to local networks, including the rapid adoption of interim rules that will accomplish those goals.

To ensure appropriate competitive access, the Administration believes the interim rules should cover a full year, unless superceded by permanent rules, and include the maximum legally sustainable transition period without wholesale rate increases for those network elements subject to the vacatur of the DC Circuit Court. We support the Chairman's stated goal of adopting permanent rules by the end of the year, provided that the permanent rules complete the period of rate certainty initiated in the interim rules.

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Sincerely,

*Michael D. Gallagher*

Michael D. Gallagher  
Acting Assistant Secretary for  
Communications and Information



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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

June 16, 2004

98-147

The Honorable Jonathan S. Adelstein  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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JUN 25 2004

Federal Communications Commission  
Office of the Secretary

Dear Commissioner Adelstein:

The Supreme Court has decided not to grant a stay in United States Telecommunications Association v. Federal Communications Commission. The Administration believes you should act promptly using all methods at your disposal to protect consumers and ensure appropriate competitive access to local networks, including the rapid adoption of interim rules that will accomplish those goals.

To ensure appropriate competitive access, the Administration believes the interim rules should cover a full year, unless superceded by permanent rules, and include the maximum legally sustainable transition period without wholesale rate increases for those network elements subject to the vacatur of the DC Circuit Court. We support the Chairman's stated goal of adopting permanent rules by the end of the year, provided that the permanent rules complete the period of rate certainty initiated in the interim rules.

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Sincerely,

Michael D. Gallagher  
Acting Assistant Secretary for  
Communications and Information

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